

## **REMARKS**

The Office Action dated March 7, 2005 has been received and carefully noted. The above amendments to claims 20, 25, and 33 and the following remarks are submitted as a full and complete response thereto. It is noted that the drawings submitted September 7, 2004 have been received and accepted.

At the outset, Applicants wish to thank the Examiner for indicating the allowability of claims 23-24 and 31-32. Claims 20, 21, 25-29, and 33 stand rejected and claims 22 and 30 stand objected to.

Claims 20-33 are pending in the present application.

## **REJECTION UNDER 35 U.S.C. § 103(a):**

*In the Office Action, at page 2, claims 20-21 and 26-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,237,571 to Cotton et al. (“Cotton”) in view of U.S. Patent No. 5,568,476 to Sherer et al. (“Sherer”). The Office Action took the position that Cotton and Sherer disclose all the aspects of claims 20-21 and 26-29. The rejection is traversed and reconsideration is requested.*

Claim 20, upon which claims 21-25 depend, recites a method of sending packets between trunked network switches. The method includes receiving a packet from a source at a first port of a trunked network switch, identifying that the switch includes ports, an adjustable number of which are bundled as a trunk group, and identifying that the packet received from the source is destined for a destination which must be accessed

through the trunk group, by checking a trunk bit in a lookup table. The method also includes identifying an appropriate trunk port of the trunk group on which to send the packet to the destination and forwarding the packet to the destination on the appropriate trunk port.

Claim 26, upon which claims 27-33 depend, recites a system for sending packets between ports on trunked network switches. The system includes a first switch having a plurality of communication ports, a second switch having a plurality of communication ports, a trunk connection between the first switch and the second switch, wherein the trunk connection comprises an adjustable number of ports, and a sending unit for sending a packet from a first port of the first switch to a second port of the second switch. The system also includes an ingress unit in the first switch for receiving the packet from a source, and for performing an address resolution lookup on one of a source address and a destination address of the packet based upon a lookup table, an identifying unit for identifying that the first switch and second switch are connected by the trunk connection by checking a trunk bit in the lookup table, and for identifying an appropriate trunk port of a trunk group on which to send the packet to a destination, and a forwarding unit for forwarding the packet to the destination on the appropriate trunk port

As will be discussed below, the cited prior art of Cotton and Sherer fail to disclose or suggest the elements of any of the presently pending claims.

Cotton generally describes a line status broadcast system based on event broadcasting rather than status polling. See column 2, lines 18-29. An interface switch

monitors the lines and determines when a change in a line status occurs. An outgoing switch port or a group of switch ports in Cotton, are associated with a LAC and are set at system initialization or dynamically thereafter when there is a physical reconfiguration in the system. See column 18, lines 13-16.

However, contrary to the contentions made in the Office Action, Cotton fails to teach or suggest, at least, “identifying that the first switch includes ports, an adjustable number of which are bundled as a trunk group”, as recited in independent claim 20 of the present application. Cotton also fails to disclose or suggest at least “a trunk connection between said first switch and said second switch, wherein the trunk connection comprises an adjustable number of ports”, as recited in independent claim 26 of the present application.

Cotton is devoid of any teaching or suggestion that provides that the physical reconfiguration in the system performed includes an adjustable number of the switch port or that the group of switch ports are bundled as a trunk group. Instead, Cotton provides that during system operation, the selected communications links and switch ports that have been selected for status broadcast during system initialization, may be dynamically reconfigured in the event of a failure. Specifically, two channels on two communications links from a section switch to a given group of two access switches are used for broadcast messages. See column 46, lines 1-8. Of these two sets of channels, one set of channels is designated for use and the other provides backup in case of failure. Which pair of channels is used and which pair of channels is provided for backup is arbitrarily chosen

and may be changed dynamically. Thus, the physical reconfiguration in Cotton does not teach or suggest “an adjustable number” of the ports “bundled as a trunk group” as recited in independent claim 20 and does not teach or suggest, “wherein the trunk connection comprises an adjustable number of ports,” as recited in independent claim 26.

The Office Action correctly recognized that Cotton fails to teach or suggest, “identifying that the packet received from the source is destined for a destination which must be accessed through the trunk group, by checking a trunk bit in a lookup table,” as recited in independent claim 20, and “an identifying unit for identifying that the first switch and second switch are connected by the trunk connection by checking a trunk bit in the lookup table,” as recited in independent claim 26. Accordingly, the Office Action refers to Sherer as describing such recitations.

Sherer generally provides maintaining a link table with a table entry for each port in a hub. See column 9, lines 19-25. Bits in the table are defined with an M/CAST bit updated along with a TX-port number when a valid bit is being set. It is used when initiating a multicast packet transfer. See column 9, lines 31-34 and lines 50-53. However, Sherer does not cure the deficiencies of Cotton. Specifically, Sherer does not teach or suggest, “identifying that the first switch includes ports, an adjustable number of which are bundled as a trunk group,” as recited in independent claim 20 and “an identifying unit for identifying that the first switch and second switch are connected by the trunk connection by checking a trunk bit in the lookup table,” as recited in independent claim 26. Similarly to Cotton, Sherer is silent as to teaching or suggesting

bundling an adjustable number of ports as a trunk group. Such feature is not contemplated in Sherer.

Accordingly, a combination of Cotton and Sherer would fail to teach or suggest all the recitations of independent claims 20 and 26. It is respectfully requested that independent claims 20 and 26 and related dependent claims be allowed.

*In the Office Action, at page 3, claims 25 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cotton, Sherer, and U.S. Patent No. 5,386,414 to Chou et al. (“Chou”). The Office Action took the position that Cotton, Sherer, and Chou disclose all the aspects of independent claims 25 and 33. Reconsideration is requested.*

Independent claim 25 recites a method of sending packets between trunked network switches. The method includes receiving a packet from a source at a first port of a trunked network switch, identifying that the first switch includes ports, an adjustable number of which are bundled as a trunk group, identifying that the packet received from the source is destined for a destination which must be accessed through the trunk group, by checking a trunk bit in a lookup table, identifying an appropriate trunk port of the trunk group on which to send the packet to the destination, and forwarding the packet to the destination on the appropriate trunk port. The step of identifying the trunk port for communication comprises a step of applying trunking information to a trunk group table. The trunk group table is modified to reflect trunk port failures.

Because independent claim 33 includes allowable subject matter, it is respectfully asserted that the rejections to independent claim 33 are rendered moot in view of the

references cited.

Referring to independent claim 25, as previously set forth, Cotton and Sherer fail to teach or suggest, "identifying that the first switch includes ports, an adjustable number of which are bundled as a trunk group." In addition, Chou generally describes a method that uses a trunk group table whose size is a function of the number of active trunks in the trunk group connecting two packet switches and uses information stored in a plurality of data fields of an internal protocol header of the packet switches, which uniquely identifies each call, to select trunks from the trunk group table. See column 3, lines 35-46.

However, similarly to Cotton and Sherer, Chou is silent as to teaching or suggesting that the trunk group is a bundle of adjustable number of ports are bundled. Accordingly, a combination of Cotton, Sherer, and Chou would fail to teach or suggest all the recitations of independent claim 25.

Furthermore, as commonly understood, the U.S. Patent Office bears the burden of establishing a *prima facie* case of obviousness based upon the prior art..."[the Patent Office] can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." In re Fritch, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992). In addition, the mere fact that the prior art may be modified in the manner suggested in the Office Action does not make the modification obvious unless the prior art suggested the desirability of the modification. Id. at 1783-84.

However, the Office Action provides absolutely no motivation to combine the cited references. Rather, conclusive statements are made such as “it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made ...in order to accurately transmit data to a destination.”

"Rejection of patent application for obviousness under 35 USC §103 must be based on evidence comprehended by language of that section, and search for and analysis of prior art includes evidence relevant to finding of whether there is teaching, motivation, or suggestion to select and combine references relied on as evidence of obviousness; factual inquiry whether to combine references must be thorough and searching, based on objective evidence of record." In re Lee 61 USPQ2d 1430 (CA FC 2002)

Thus, as pointed out in In re Lee, the record must support motivation, i.e., there must be something in the record pointing out where the recited motivation can be found. In addition, there must be some discussion on how that purported motivation or suggestion is even relevant to the reference being modified.

Only the present invention sets forth all the claimed features, as well as the motivation for combining the same. The outstanding rejection would appear to have taken this teaching of the present invention and applied the same to generate a combination of Cotton, Sherer, and Chou, as set forth in the Office Action, to disclose the presently claimed invention. Applicants respectfully assert that the *prima facie* burden has not been met.

In view of the foregoing, is it respectfully requested that independent claims 25 and 33 and be allowed.

**CONCLUSION:**

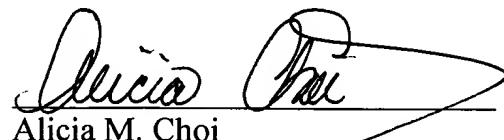
In view of the above, Applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicant further submits that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicant therefore respectfully requests that each of claims 20, 21, 22, 25-29, 30, and 33 be found allowable and, along with allowed claims 23, 24, 31, and 32, this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged  
to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Alicia M. Choi  
Registration No. 43,487

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Tysons Corner, Virginia 22182-2700  
Telephone: 703-720-7800  
Fax: 703-720-7802

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